

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JEROME CORSI,

Plaintiff,

V.

CASE NO.: 1:18cv2885

ROBERT MUELLER, individually and in his official capacity as Special Counsel, FEDERAL BUREAU OF INVESTIGATION, NATIONAL SECURITY AGENCY, CENTRAL INTELLIGENCE AGENCY, and UNITED STATES DEPARTMENT OF JUSTICE,

Defendants.

**MOTION FOR A STAY OF HEARING DATE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants Federal Bureau of Investigation, National Security Agency, Central Intelligence Agency, United States Department of Justice, and Robert Mueller in his official capacity as Special Counsel (together, “the Government”) hereby move for a stay of the order-to-show-cause hearing scheduled to be held on January 3, 2019, in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are generally prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. On December 12, 2018, the Court issued an order directing the Plaintiff to show cause in writing within 14 days why this case is related to *Klayman v. Obama*, C.A. No. 13-cv-851 for the purpose of the Rule 40.5 procedure, and scheduled a hearing on the Plaintiff's notice for January 3, 2019, at 3:00 p.m.

4. Undersigned counsel has been assigned to represent the Government's interests at such hearing on the Plaintiff's notice. Undersigned counsel for the Department of Justice therefore requests a stay of the hearing date until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, the hearing be rescheduled. The Government further respectfully requests that, once appropriations have been restored, it be afforded a reasonable amount of time prior to the hearing to respond in writing, if necessary, to Plaintiff's submission in response to the Court's order to show cause.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the hearing scheduled to be held on January 3, 2019, in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions. Opposing counsel has informed the Government that Plaintiff opposes this motion.

Dated: December 26, 2018

Respectfully submitted,

JAMES J. GILLIGAN
Acting Branch Director

/s/ Elizabeth Tulis

ELIZABETH TULIS

Trial Attorney

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 26, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing to the parties.

/s/ Elizabeth Tulis
ELIZABETH TULIS